

# **PLANNING BOARD MINUTES**

**FEBRUARY 12, 2014**

**Town Council Chambers**

**Board members present:**

**Gladys Lavine, Chair**

**Betty Jane Owen     Ron Wolanski, Planning Director**

**Charlene Rose-Cirillo     Frank Holbrook, Assistant Town Solicitor**

**Matthew Sullivan**

**Pete Marnane**

**John Ciummo**

**Arthur Weber**

**The meeting was called to order by Ms. Lavine at 6:00pm.**

## **1. Election of Officers**

**Motion by Ms. Cirillo, seconded by Mr. Sullivan, to elect Ms. Lavine as chair, Mr. Marnane as vice-chair, and Ms. Owen as secretary. Vote: 7-0-0.**

## **2. Approval of the minutes of the January 8, 2014 regular Planning Board meeting and the January 16, 2014 special meeting.**

**Motion by Ms. Owen, seconded by Ms. Cirillo, to approve the January 8, 2014 regular meeting minutes. Vote: 7-0-0. Motion by Mr. Marnane, seconded by Ms. Owen, to approve the January 16, 2014 special meeting minutes. Vote: 7-0-0.**

## **2. Correspondence**

**Memo from the Town Planner, dated 1/15/14, regarding the administrative subdivision involving properties identified as Plat 126, Lots 36-A & 213, located on Gray Craig Rd.**

**Motion by Mr. Marnane, seconded by Ms. Cirillo, to accept the correspondence. Vote: 7-0-0.**

**3. Request of the Zoning Board of Review for an advisory recommendation on the application of CVDDII for a Special Use Permit to allow development within Zone 1 of the Watershed Protection District. Property located at 1747 West Main Rd., Plat 111, Lot 8.**

**The applicant was represented by Derek Mesolella, and Tim Thies of PARE Corporation.**

**Mr. Wolanski described the request before the board.**

**Mr. Thies described the analysis that was completed in support of the application. The findings are consistent with what would be expected on a site formerly used for commercial or industrial purposes, included elevated levels of certain constituents. He stated that the proposed development plan will result in an improvement to ground and surface water quality on the site. RIDEM waste management has approved the plans.**

**Mr. Sullivan asked if the proposed excavation will result in the need to remove soils from the site.**

**Mr. Thies stated that the plan will limit the cutting into soils on the site. If soils must be removed, they will be disposed of in accordance with applicable regulations.**

**Mr. Wolanski reviewed the recommended conditions of approval.**

**Motion by Mr. Weber, seconded by Ms. Cirillo, to forward positive recommendation to the Zoning Board of review, subject to the following recommended conditions:**

- 1. Prior to issuance of building permits documentation confirming RIDEM RIDES/Wetlands approval must be provided.**
- 2. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151).**
- 3. Required maintenance of storm water treatment facilities shall be performed on an ongoing basis in accordance with the storm water management plan. Prior to issuance of building permits, a storm water maintenance easement, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easement shall allow town access to the site to perform necessary maintenance of the storm drainage facilities should the owner fail to do so, with the owner being responsible for the cost of such work.**

**Vote: 7-0-0.**

#### **4. Major Land Development**

- 1. Informational Meeting – CVDDII LLC, proposed self storage facility located at 1747 West Main Road, Plat 111 Lot 8. Application for Major Land Development approval. (Master Plan)**
- 2. Consideration of Master Plan - CVDDII LLC, proposed self storage facility located at 1747 West Main Road, Plat 111 Lot 8. Application for Major Land Development approval.**

**3. Public Hearing – CVDDII LLC, proposed self storage facility located at 1747 West Main Road, Plat 111 Lot 8. Application for Major Land Development approval. (Preliminary Plan)**

**4. Consideration of Preliminary Plan - CVDDII LLC, proposed self storage facility located at 1747 West Main Road, Plat 111 Lot 8. Application for Major Land Development approval.**

**5. Consideration of Final Plan - CVDDII LLC, proposed self storage facility located at 1747 West Main Road, Plat 111 Lot 8. Application for Major Land Development approval.**

**The applicant was represented by Derek Mesoella, and Tim Thies of PARE Corporation.**

**Motion by Mr. Marnane, seconded by Ms. Cirillo, to combine the master, preliminary and final review stages. Vote: 7-0-0.**

**Motion by Mr. Weber, seconded by Ms. Cirillo, to open the public hearing. Vote: 7-0-0.**

**No members of the public wished to speak.**

**Motion by Mr. Weber, seconded by Ms. Cirillo, to close the public hearing. Vote: 7-0-0.**

**Mr. Wolanski reviewed the status of the plan review. Site plan review was completed during the Development Plan Review process. The Technical Review Committee and the town's consulting engineer have advised that all technical issues have been adequately addressed by the applicant.**

**Mr. Wolanski reviewed the recommended conditions of approval, and the findings that must be made in order to approve the plan.**

**Motion by Mr. Marnane, seconded by Ms. Cirillo, to make the following findings and to approved the application subject to the following conditions:**

**Findings:**

- a. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.**
- b. The proposed development is in compliance with the standards and provisions of the Town zoning ordinance.**
- c. There will be no significant negative environmental impacts from the proposed development.**
- d. The subdivision will not create lots where physical constraints would make building on the lots impracticable.**
- e. All subdivision lots shall have adequate and permanent physical access to a public street**

**Conditions of approval:**

- 1. Prior to recording of the final plans, review and approval of the final revised storm water management plan must be completed by the town engineer for conformance with town regulations.**
- 2. Required maintenance of storm water treatment facilities shall be performed on an ongoing basis in accordance with the storm water management plan. Prior to recording of the final plans, a storm water maintenance easement, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easement shall allow town access to the site to perform necessary maintenance of the storm drainage facilities should the owner fail to do so, with the**

owner being responsible for the cost of such work.

3. Prior to recording of the final plans, a note shall be added to the plans requiring that the drainage swale located on the property to the north of the subject property (AP 111, Lot 4), which directs runoff from the site to West Main Rd., be cleared of any vegetation and debris that would inhibit its proper functioning, in order to ensure that the additional storm runoff volumes to be generated from the subject property will not result in flooding.

4. Prior to recording of the final plans, all applicable state permits and approvals must be in place, including all RIDEM and RIDOT permits, such as RIDOT physical alteration permit, and RIDEM wetlands, storm water, and waste management remediation requirements.

5. Prior to recording of the final plans, any required zoning relief must be granted by the Zoning Board of Review and the decision recorded in the land evidence records.

Vote: 6-1-0, with Ms. Owen voting in opposition.

## **5. Development Plan Review**

CVDDII LLC, proposed self storage facility located at 1747 West Main Road, Plat 111 Lot 8. Request for Development Plan Review.

The applicant was represented by Derek Mesolella, and Tim Thies of PARE Corporation.

Mr. Wolanski stated that the technical reviews had been completed several months earlier. The TRC and the town's consulting engineer confirmed that the applicant had or will, with the recommended conditions of approval, address the technical issues to allow for the proposed development.

**Mr. Wolanski reviewed the waivers that the applicant is requesting from the commercial design requirements of article 5 of the subdivision and land development regulations. The applicant had previously submitted a letter explaining the rationale for each of the waivers.**

**The board reviewed each of the waiver requests.**

**Motion by Mr. Weber, seconded by Ms. Cirillo, to grant following waiver from the desing requirements of the regulations:**

- Section 521.1.B - Pedestrian access to the site form West Main Rd. is not provided.**
- Section 521.2.C - Proposed use of corrugated metal siding.**
- Section 521.3.D.2 – The required landscape buffer along a portion of the southerly property line is not provided. Screening along the front property line, which abuts residential property, does not meet the requirement to provide solid screening, though a decorative fence and landscaping is proposed.**

**Vote: 7-0-0**

**Motion by Mr. Marnane, seconded by Mr. Weber, to forward a positive recommendation to the Zoning Board of Review, subject to the following recommended conditions of approval:**

- 1. Prior to the issuance of town building permits, review and approval of the final revised storm water management plan must be completed by the town engineer for conformance with town regulations.**
- 2. Prior to the issuance of town permits, a note shall be added to the plans requiring that the drainage swale located on the property to the north of the subject property (AP 111, Lot 4), which directs runoff**

from the site to West Main Rd., be cleared of any vegetation and debris that would inhibit its proper functioning, in order to ensure that the additional storm runoff volumes to be generated from the subject property will not result in flooding.

3. Prior to the issuance of building permits, all applicable state permits and approvals must be in place, including all RIDEM and RIDOT permits, such as RIDOT physical alteration permit, and RIDEM wetlands, storm water, and waste management remediation requirements.

4. Required maintenance of storm water treatment facilities shall be performed on an ongoing basis in accordance with the storm water management plan. Prior to issuance of building permits, a storm water maintenance easement, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easement shall allow town access to the site to perform necessary maintenance of the storm drainage facilities should the owner fail to do so, with the owner being responsible for the cost of such work.

5. Because the Planning Board requested third-party review of the application, the review fee in accordance with Zoning Ordinance section 310 is required. The applicant must pay the fee prior to the granting of town permits. Based on the gross floor area of the proposed development, the required fee is \$8,185.

Vote: 7-0-0.

6. George Warren, et. al., Request for Preliminary Plan approval for a proposed 2-lot minor subdivision of property located a 514 Paradise Ave. Plat 127, Lot 2.



**The applicant was represented by attorney Patrick O'N. Hayes, Jr.**

**Mr. Wolanski explained that because the applicant is requesting a waiver from the requirement that new subdivision lots have frontage on a public street, the application is classified as a major subdivision, rather than a minor subdivision. The towns' position is that Paradise Court is a private road. A public hearing is required and abutters must be notified. The matter should be continued to the March 12, 2014 meeting.**

**Mr. Hayes agreed that application should be continued and advertised as a major subdivision.**

**Mr. Weber requested that site visit be scheduled. The board agreed. Mr. Wolanski will coordinate with the applicant to schedule a site visit.**

**Motion by Ms. Owen, seconded by Mr. Weber, to continue the matter to the March 12, 2014 meeting. Vote: 7-0-0.**

**7. Sarah Cavanagh & William Casey, Request for Preliminary Plan approval for a proposed 4-lot minor subdivision of property located at 47 Kane Ave. Plat 122, Lot 91**

**The applicant was represented by attorney Patrick O'N. Hayes, Jr.**

**Mr. Wolanski described the proposal. A question was raised by the Town Engineer about the location of the sewer line that serves the existing house. This matter must be investigated prior to final approval, and easements, if necessary, must be added to the plan. This issue should be addressed as a condition of preliminary plan approval.**

**Mr. Hayes requested that the board authorize the administrative**

**officer to conduct the final plan review, so that a return to the Planning Board would not be required.**

**Motion by Mr. Marnane, seconded by Mr. Weber, to make following findings, and grant preliminary plan approval subject to the following condition, and to authorize the administrative office to conduct the final plan review.**

**Findings:**

- a. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.**
- b. The proposed development is in compliance with the standards and provisions of the Town zoning ordinance, subject to the granting of necessary zoning relief by the Zoning Board of Review.**
- c. There will be no significant negative environmental impacts from the proposed development.**
- d. The subdivision will not create lots where physical constraints would make building on the lots impracticable.**
- e. All subdivision lots shall have adequate and permanent physical access to a public street.**

**Condition of approval:**

- 1. Prior to final approval the Director of Public Works must confirm that the proposed connections to the public sewer are acceptable. Any easements necessary to address sewer lines or other utilities that may cross proposed property lines must be shown on the final plan.**

**Vote: 7-0-0.**

**8. Update on activities of the Aquidneck Island Planning Commission.**  
**Mr. Ciummo provided an update on the activities of the Aquidneck Island Planning Commission including the proposal to expand the membership. AIPC is expected to again present its proposal to the Middletown Town Council during an upcoming meeting.**

**9. Update on BRAC Navy Surplus Land reuse planning process.**

**Mr. Wolanski stated that the Town of Middletown will proceed to work with the Navy to reach agreement on a negotiated sale for the former Navy Lodge parcel. The application for the public benefit conveyance transfer of the shoreline property will be submitted once the finding of suitability to transfer (FOST) is issued by the Navy.**

**10. Update on process to complete Comprehensive Plan update.**

**Mr. Wolanski stated that the subcommittee established to work on the implementation program will continue to meet. The town also continues to seek consultant assistance. The draft implementation program will be presented to the full board once it is completed.**

**Motion to adjourn by Ms. Cirillo, seconded by Ms. Owen. Vote: 7-0-0.**

**Meeting adjourned at 7:00 pm.**

**Respectfully submitted:**

**Ronald Wolanski**

**Planning Director**